

## REMARKS

Applicants are amending the title of the invention. Applicants also are amending original claims 1-5, 9, 10, 12, 22, and 23, and are canceling original claims 6-8, 11, 13-21, and 24-39, without prejudice to the subject matter claimed thereby. Applicants also are adding new independent claims 40 and 41. Therefore, claims 1-5, 9, 10, 12, 22, 23, 40, and 41 currently are pending in the above-captioned patent application and are subject to examination. No new matter is added by the foregoing amendments, and these amendments are fully supported by the specification. Reconsideration of the above-captioned patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In the Office Action mailed July 1, 2004, the Examiner objected to the title of the invention as allegedly being non-descriptive of the claimed invention. Applicants have amended the title of the invention to better describe the claimed invention. Applicants respectfully request that the Examiner withdraw the objections to the title of the invention.

In the Office Action mailed July 1, 2004, the Examiner rejected claims 1-3, 20, 21, 36, and 37, under 35 U.S.C. § 102(e), as allegedly being anticipated by U.S. Patent No. 6,727, 818 to Wildman *et al.* ("Wildman"). The Examiner also rejected claims 4-19, 22-34, 38, and 39 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Wildman in view of U.S. Patent No. 5,870,015 to Hinkel. To the extent that these rejections remain applicable in view of the foregoing amendments, Applicants respectfully traverse these rejections, as follows.

1. 35 U.S.C. § 102(e)

The Examiner rejected claims 1-3, 20, 21, 36, and 37 as allegedly being anticipated by U.S. Patent No. 6,727, 818 to Wildman. Applicants respectfully traverse.

Applicants have canceled original claims 20, 21, 36, and 37. Therefore, the anticipation rejection of claims 20, 21, 36, and 37 is rendered moot.

Applicants have amended independent claim 1 to describe a method of improving hand hygiene compliance comprising the step of “determining whether **any** person entered a first area **independent of whether the any person includes a sensor.**” As such, in Applicants’ invention as set forth in independent claim 1, the method detects any person who enters the first area.

As set forth in Applicants’ background of the invention section of the present application, in a known system for reminding employees to wash their hands, the employees wear badges that include an infrared (“IR”) transmitter and a light. The IR transmitter communicates with a sensor positioned within a bathroom, such that when the employee enters the bathroom, the sensor and the IR transmitter communicate with each other, and the light is activated to indicate that the employee has entered the bathroom. When the employee uses a soap dispenser and stands in front of the soap dispenser for at least 15 seconds after pumping the soap dispenser, the light is deactivated. However, if the employee leaves the bathroom without using the soap dispenser, or if the employee does not stand in front of the soap dispenser for at least

15 seconds after pumping the soap dispenser, the light remains activated. See, e.g., Appl'n, Page 3, Paragraph 0008.

However, the problems associated with such badge-based systems is that it is difficult to constantly monitor whether the employees are wearing their badge, and the batteries used to operate the badge constantly must be replaced. See, e.g., *Id.* at Paragraph 0010.

Similar to the known system described in Applicants' background of the invention section of the present application, the system described in Wildman is a **badge-based system**, and includes the above-described problems associated with the known system. See, e.g., Wildman, Column 3, Lines 1-7. Specifically, care givers wear a badge 112 which includes an IR transmitter for communicating with sensors 108 an/or sensors 118 positioned within a room, and an alert indicator 116 for reminding the care giver to wash their hands and/or to indicate that a handwashing sequence has or has not occurred. Alert indicator 116 also may be positioned in the room. However, because Wildman uses a badge-based system, the sensors 108 and 118 **are not configured to detect ANY person entering the area** as set forth in independent claim 1, and sensors 108 and 118, and merely are designed to communicate with the IR transmitter of badge 112. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of independent claim 1.

Claims 2 and 3 depend from allowable independent claim 1. Therefore, Applicants respectfully request that the Examiner also withdraw the anticipation rejection of claims 2 and 3.

Moreover, Applicants submit that there is no motivation to modify the system described in Wildman to remove badges 112 from the system and to replace sensors 108 and 118 with sensors that determine whether any person entered the area. Specifically, the system described in Wildman is designed to generate a **care-giver specific** compliance report so that the entity operating the system can determine the compliance rate of each individual care-giver, and badge 112 is used to identify each individual care-giver. See, e.g., Wildman, Column 12, Lines 65-67; and Column 13, Lines 1-4. However, the sensors used in Applicants' claimed system and method merely indicate that someone entered the area, but does not identify who entered the area. For example, Applicants' claimed invention may be used to generate a report indicating that during the monitoring period, "X" percentage of people who entered a particular area washed their hands before leaving the particular area or within a predetermined amount of time after leaving the particular area. However, Applicants' claimed invention is not capable of generating care-giver specific compliance reports.

2. 35 U.S.C. § 103(a)

The Examiner rejected claims 4-19, 22-34, 38, and 39 as allegedly being rendered obvious by Wildman in view of Hinkel. Applicants have canceled original claims 6-8, 11, 13-19, 24-34, 38, and 39, without prejudice. Therefore, the obviousness rejection of claims 6-8, 11, 13-19, 24-34, 38, and 39 is rendered moot. Moreover, in order for the Examiner to establish a prima facie case for obviousness with respect to claims 4, 5, 9, 10, 12, 22, and 23, three (3) criteria must be met. First, there must be

some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as the Examiner proposes. Second, there must be a reasonable expectation of success in connection with the Examiner's proposed combination of the references. And third, the prior art references **must disclose or suggest all of the claim limitations**. MPEP 2143. Applicants respectfully submit that the Examiner fails to establish a prima facie case for obviousness.

a. Independent Claim 9

Specifically, Applicants have amended independent claim 9 to describe a system for improving hand hygiene compliance, comprising "means for detecting, wherein the means for detecting is configured to detect each of: whether any person entered a first area **independent of whether the any person includes means for communicating with the means for detecting**; and whether the any person left the first area and entered a second area **independent of whether the any person includes means for communicating with the means for detecting**." As set forth above, in contrast to Applicants' invention as set forth in independent claims 4, 9, 24, and 35, Wildman describes a badge-based system in which **sensors 108 and 118 only persons including badge 112 for communicating with sensors 108 and 118**. Moreover, as set forth above, there is no motivation to modify the system described in Wildman to remove badges 112 from the system and to replace sensors 108 and 118 with sensors which detect any person entering the area. Specifically, the system described in

Wildman is designed to generate a **care-giver specific** compliance report so that the entity operating the system can determine the compliance rate of each individual care-giver, and badge 112 is used to identify each individual care-giver. See, e.g., Wildman, Column 12, Lines 65-67; and Column 13, Lines 1-4. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of independent claim 9.

b. Independent Claims 4 and 22

Applicants have amended independent claim 4 to describe a method for improving hand hygiene compliance, comprising the step of “if it is determined that the any person did not wash their hands **within the predetermined amount of time after flushing the at least one of the restroom toilet and the soil room waste dispenser,** generating at least one of a warning signal and a reminder and sending this information to the central database.” Similarly, Applicants have amended independent claim 22 to describe a system for improving hygiene compliance, comprising “means for generating at least one of a warning signal and a reminder when the any person flushes the toilet and does not wash their hands **within the predetermined amount of time after flushing the at least one of the restroom toilet and the soil room waste dispenser.**”

Citing to Column 11, Lines 3-36 of Wildman, the Examiner asserts that Wildman discloses Applicants’ claimed “predetermined amount of time.” However, Applicants note that the predetermined amount of time described in Wildman merely relates to a maximum predetermined amount of time between hand washings, and is unrelated to

the amount time which has expired since a person flushed a restroom toilet or a soil room waste dispenser. The Examiner also asserts that Hinkel supplies those claim elements which are missing from Wildman. However, Hinkel merely discloses that toilet and hand washing instructions/reminders are activated “**upon** movement of a toilet flush handle.” Hinkel, Column 2, Lines 14-16. Thus, Hinkel also does not wait a predetermined amount of time after the person flushes the toilet to generate a warning and/or a reminder, as set forth in independent claims 4 and 22. Thus, the combination of Wildman and Hinkel fails to disclose or suggest generating at least one of a warning signal and a reminder when the any person flushes the toilet or the soil room waste dispenser and does not wash their hands within the predetermined amount of time after flushing the restroom toilet or the soil room waste dispenser, as set forth in independent claims 4 and 22. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 4 and 22.

c. Dependent Claims 5, 10, 12, and 23

Claims 5, 10, 12, and 23 depend from allowable independent claims 4, 9, and 22, respectively. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 5, 10, 12, and 23.

### CONCLUSION

Applicants respectfully submit that the above-captioned patent application is in condition for allowance, and such action is earnestly solicited. If the Examiner believes that an in-person or telephonic interview with Applicants' representatives would expedite the prosecution of the above-captioned patent application, the Examiner is invited to contact the undersigned attorney of records. Applicants believe that no fees are due as a result of this response to the outstanding Office Action in the above-captioned patent application. Nevertheless, in the event of any variance between the fees determined by Applicants and those determined by the U.S. Patent and Trademark Office, please charge any such variance to the undersigned's Deposit Account No. 01-2300.

Respectfully submitted,

Timothy J. Churna  
Attorney for Applicants  
Registration No. 48,340

**Customer No. 004372**  
ARENT FOX, PLLC  
1050 Connecticut Ave., N.W., Suite 400  
Washington, D.C. 20036-5339  
Telephone No. (202) 715-8434  
Facsimile No. (202) 638-4810

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